

Governing Body Minutes – October 2, 2018

CITY COUNCIL CHAMBERS, Topeka, Kansas, Tuesday, October 2, 2018. The Governing Body members of the City of Topeka met in regular session at 6:00 P.M., with the following Councilmembers present: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen and Lesser -9. Mayor De La Isla presided -1.

AFTER THE MEETING was called to order, Rabbi Debbie Stiel, Temple Beth Sholom, provided the invocation.

THE PLEDGE OF ALLEGIANCE was recited by those present in the chamber.

RECOGNITION by Mayor De La Isla of Becky Drager, Topeka Coin Artist, for her contribution as a local artist and her assistance in creating the Mayor's Challenge Coin.

RECOGNITION by Mayor De La Isla of the Topeka Boys & Girls Clubs and Councilmember Sylvia Ortiz for assisting with the Project Puerto Rico initiative, a local effort to provide needed school supplies to Boys & Girls Clubs in Puerto Rico.

Mayor De La Isla requested to withdraw item 4C, a Board Appointment recommending the reappointment of Barbara Boudreaux to the Topeka Board of Zoning Appeals.

Councilmember Clear moved to pull item 4C. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

BOARD APPOINTMENT recommending the reappointment of Doug Snook to the Board of Plumbing Examiners for a term ending August 18, 2020, was presented.

BOARD APPOINTMENT recommending the reappointment of Carole Jordan to the Topeka Board of Zoning Appeals to fill an unexpired term ending December 1, 2021, was presented.

BOARD APPOINTMENT recommending the appointment of Alan Bearman to the Topeka Metropolitan Transit Authority for an unexpired term ending September 18, 2021, was presented.

Councilmember Coen moved to approve the board appointments as amended. The motion seconded by Councilmember Jensen carried unanimously. The Mayor does not vote. (9-0-0)

THE CONSENT AGENDA was presented as follows:

RESOLUTION NO. 9054 introduced by Councilmember Karen Hiller, granting Iron Rail Brewing an exception to the provisions of City of Topeka Code Section 9.45.150, et seq., concerning noise prohibitions, was presented.

MINUTES of the regular meeting of September 18, 2018, was presented.

Councilmember Jensen moved to approve the consent agenda. The motion seconded by Councilmember Emerson carried unanimously. (10-0-0)

ORDINANCE NO. 20142 introduced by City Manager Brent Trout, authorizing initiation of condemnation proceedings to acquire temporary easements and permanent easements for NE Seward Avenue to Norwood Street Water Line Improvement Project No. T-281104.00, was presented.

Brent Trout, City Manager, reported the City has determined that it will be necessary to secure temporary and permanent easements on two properties in order for the Norwood Water Line Improvement Project to proceed.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20143 introduced by City Manager Brent Trout, adopting the 2017 National Electrical Code, amending City of Topeka Code Section 14.30.010 and repealing in its entirety Section 14.30.060 was presented.

Brent Trout, City Manager, reported the ordinance was presented and discussed at the September 18, 2018, Governing Body meeting and since that time, he has not received any additional questions from Governing Body members. He stated staff recommends approval of the ordinance as presented.

Councilmember Jensen moved to adopt the ordinance. The motion seconded by Councilmember Clear carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20144 introduced by City Manager Brent Trout, concerning International Property Maintenance Code local amendments regarding notice and procedural matters, amending City of Topeka Code Sections 8.60.070, 8.60.080 and 8.60.110 and repealing original sections was presented.

Brent Trout, City Manager, Brent Trout, City Manager, reported there have been several discussions concerning the proposed amendments as well as several meetings with Councilmember Hiller to address her concerns and adjust the language accordingly. He stated staff recommends approval of the ordinance as presented.

Councilmember Hiller reported she has been working with staff on the ordinance language and will support the ordinance as presented; however, she believes there are still some sections that need more research. She encouraged staff to work on updating policy and procedures as they move through the process and thanked Governing Body members for working with her on the issue.

Councilmember Hiller moved to adopt the ordinance. The motion was seconded by Councilmember Jensen.

Councilmember Ortiz encouraged the Governing Body and staff to have a deeper discussion on the matter and referenced similar discussions by the Governing Body in 2013. She expressed the importance of citizens understanding the process and procedure and the obligation of the Governing Body to listen to constituents with code violations. She expressed concern with the current process used to mail notices. She expressed the importance of educating people on how to maintain their properties through a variety of communication tools including neighborhood newsletters. She requested that property code officers be bilingual as well as cross trained so they can be utilized in all parts of the city at all times.

Councilmember Lesser stated he has received a number of complaints concerning code violations and thanked staff for providing a more detailed explanation of the process. He suggested standard operating procedures be posted to the City's website to help educate citizens on the process and timeline.

The motion to adopt the ordinance carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

ORDINANCE NO. 20145 introduced by City Manager Brent Trout, amending Topeka Municipal Code Section 8.60.100; adding a new section numbered Topeka Municipal Code Section 8.60.085; and creating a new Chapter 8.75 of the Topeka Municipal Code concerning Unsafe Structures was presented.

Brent Trout, City Manager, reported there have been several discussions concerning the proposed amendments as well as several meetings with Councilmember Hiller to address her concerns and adjust the language accordingly. He stated the standard operating procedures would be distributed and made available to the public as well as they would work on the concerns

expressed by Councilmember Ortiz. He reported the property code violation process would be one of the first items reviewed for the implementation of the Rapid Process Improvement (RPI) program within the City.

Orville Johnson thanked Councilmember Hiller and the Topeka Police Department for their help in dealing with crime in his neighborhood. He expressed concern with the code violations being issued in his neighbor and believes they are unreasonable. He suggested a “hardship” provision be included in the process of satisfying property code violations.

Councilmember Emerson expressed the importance of improving the City’s efforts in educating the public on available programs that can assist with code violations.

Councilmember Hiller stated she believes the standard operating procedures and judgement calls made by property code officers are as important as the framework of the ordinance. She expressed the importance of providing a simple format that residents can understand as well as the Governing Body. She stated she was confident the notification process could become a more streamlined process as it has been in the past.

Councilmember Jensen reported all communities deal with the same issues on a regular basis and they as a Governing Body must consider how the issue has an effect on property values overall. He expressed the importance of educating citizens on the programs available for assistance with code violations.

Councilmember Clear stated she understands and supports that the City provide a certain level of assistance; however, property owners must take responsibility of their property and educate themselves on the process.

Brent Trout reported the Property Maintenance Division has been making positive changes to the process and they continue to improve their professionalism by treating citizens with respect.

He stated the City grants extensions for the correction of code violations when needed and many citizens are taking better care of their properties and resolving the issues before fines are issued.

Councilmember Hiller moved to adopt the ordinance. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

The ordinance was adopted on roll call vote as follows: Ayes: Hiller, Clear, Ortiz, Emerson, Padilla, Jensen, Mays, Coen, Lesser and Mayor De La Isla -10.

DISCUSSION of funding recommendations by Topeka-Shawnee County Alcohol and Drug Abuse Advisory Council in the amount of \$570,000 for the 2019 Special Alcohol Fund was presented.

Brent Trout, City Manager, stated the funds will be expended from the Special Alcohol Program Fund in 2019 for the purpose of awarding grants to alcohol and drug programs.

Max Wilson, Chairman of the Alcohol and Drug Abuse Advisory (ADAA) Council, reported the \$570,000 of specific funds will be used for social service agencies, service programs for the elderly and special alcohol-drug programs. He provided a brief overview of the focus of the ADAA Council and the programs that would be awarded 2019 grant funding.

Councilmember Hiller and Mayor De La Isla commented on the importance of the matching funds threshold requirement as well as tracking mechanisms for the programs.

ANNOUNCEMENTS BY THE CITY MANAGER, MAYOR AND MEMBERS OF THE COUNCIL;

Brent Trout, City Manager, announced the City of Topeka Municipal Court will offer a Food for Fines program during the month of October. He stated the program would allow any person with a payment due to the Municipal Court during the month of October to receive a \$25 credit towards their fine with a donation of ten cans of non-perishable items to be donated to Project

Topeka. He also announced Brandon Bayless, Public Works Project Administrator, has been selected to participate in the 2019 American Public Works Association (APWA) Emerging Leaders Academy Program.

Mayor De La Isla congratulated the City's Common Unity project in partnership with Highland Park High School for being awarded the \$10,000 Gen2Gen Encore Prize to start the pilot program. She reported the program's performance also earned a spot among five finalists who have a chance at winning an additional \$50,000 prize. She announced on September 28, 2018, Washburn University unveiled a bronze statue in honor of Bob Dole, former U.S. Senator and Washburn University alumnus. She also announced Hispanic Heritage Month (September 15 – October 15) and thanked L.U.L.A.C. (League of United Latin American Citizens) Collegiate Council representatives for inviting her to speak to high school students about postsecondary education. She thanked McClure Elementary, an English Language Learners (ELL) school, for inviting her to their language proficiency celebration.

Councilmember Padilla expressed the importance of ELL schools and commended local schools for supporting dual language curriculum. He congratulated the City's Common Unity project for being awarded the \$10,000 Gen2Gen Encore Prize. He welcomed President Trump and his administration to Topeka on October 6, 2018, and encouraged citizens to respect all opinions and remain courteous.

Councilmember Jensen announced on September 30, 2018, the unveiling of the College Hill Neighborhood marker stones and thanked Monique Glaude, Division Director of Community Engagement, for assisting with the project. He encouraged other neighborhoods to follow suite and help instill pride in their neighborhoods.

Councilmember Coen invited everyone to attend Oktoberfest at Fairlawn Plaza on October 6, 2018, from 10:00 a.m. to 8:00 p.m.

Councilmember Lesser stated he attended the Topeka Zoo's Serengeti Nights Fundraiser on September 22, 2018, which was a great success. He announced the 2018 Ribs and Bibs Music Festival at Heartland Park, October 5-7, 2018.

Councilmember Hiller announced in downtown Topeka on September 30, 2018, a statue was dedicated in honor of McKinley Burnett, an instrumental player in the Brown v. Board of Education case; and the Annual League of Kansas Municipalities (LKM) Conference would be held October 6-8, 2018. She also announced the U.S. Navy will christen the newest guided-missile destroyer, the future USS Frank E. Petersen Jr., a Topeka native, Saturday, October 6, 2018, at Huntington Ingalls Industries shipyard in Pascagoula, Mississippi.

Councilmember Clear announced there would be a new Burger King restaurant built at 2110 N.W. Topeka Boulevard.

Councilmember Ortiz announced Movie Night in Santa Fe Park featuring the movie "Coco" at 8:00 p.m. on October 5, 2018 in Spanish; and on October 6, 2018, at 8:00 p.m. in English.

Councilmember Emerson commended Topeka citizens for their efforts in winning the Gen2Gen competition and noted Topeka was one of the smallest cities participating in the competition. He thanked Kyla Jade, former Shawnee Heights High School (SHHS) alumnus, for her performance and the funds raised for the SHHS Theatre Department.

Joe Weir appeared to speak under public comment.

Councilmember Coen moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to pending litigation, as justified by KSA 75-4319(b)(2). In order to

aid the discussion, the following individuals should be present members of the Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Nickie Lee; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr; Police Legal Advisor, Luther Ganieany; and City Attorney, Lisa Robertson. No action is anticipated to be taken when the open meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Padilla carried unanimously. (10-0-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken; however, there was a need to continue the executive session.

Councilmember Emerson moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to continue discussion on attorney-client privileged matters related to pending litigation, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present members of the Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Nickie Lee; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr; Police Legal Advisor, Luther Ganieany; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Jensen carried unanimously. (10-0-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken; however, there was a need to continue the executive session.

Councilmember Ortiz moved to recess into executive session for a period of time not to exceed 20 minutes for consultation with the City's legal counsel to continue discussion on attorney-client privileged matters related to pending litigation, as justified by KSA 75-

4319(b)(2). In order to aid the discussion, the following individuals should be present members of the Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Nickie Lee; Police Chief, Bill Cochran; Chief of Litigation, Shelly Starr; Police Legal Advisor, Luther Ganieany; and City Attorney, Lisa Robertson. The motion seconded by Councilmember Padilla carried. Councilmembers Emerson, Coen and Lesser did not vote. (7-0-0)

Following a 20-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to discuss attorney-client privileged matters related to tort claims, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Nickie Lee; Chief of Litigation, Shelly Starr; and City Attorney, Lisa Robertson. No action is anticipated to be taken when the open meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Ortiz carried unanimously. (10-0-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken; however, there was a need to continue the executive session.

Councilmember Jensen moved to recess into executive session for a period of time not to exceed 15 minutes for consultation with the City's legal counsel to continue discussion on attorney-client privileged matters related to tort claims, as justified by KSA 75-4319(b)(2). In order to aid the discussion, the following individuals should be present: Members of the

Governing Body; City Manager, Brent Trout; Administrative & Financial Services Director, Nickie Lee; Chief of Litigation, Shelly Starr; and City Attorney, Lisa Robertson. No action is anticipated to be taken when the open meeting resumes in the Governing Body Chambers. The motion seconded by Councilmember Coen carried. Councilmembers Ortiz, Padilla and Mays voted no. (7-3-0)

Following a 15-minute time period, the meeting reconvened into open session and Mayor De La Isla announced no action was taken.

NO FURTHER BUSINESS appearing the meeting was adjourned at 9:12 p.m.

Brenda Younger
City Clerk